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September 7, 2017

Catherine O'Hagan Wolfe
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Sappington v. Wells Fargo Advisors, LLC*, No. 16-3833
Tucker v. Wells Fargo Advisors, LLC, No. 16-3854

Ms. O'Hagan Wolfe:

We represent Appellant Wells Fargo Advisors, LLC in the above referenced matters (together, the "Action"). We write pursuant to this Court's August 24, 2017 Order requesting that the parties inform the Court as to the status of the concurrent case in the Northern District of Illinois, *Erika Williams v. Wells Fargo*, No. 14-cv-1981 (N.D. Ill.). *Williams* is a purported class action and collective action asserting wage and hour claims against Wells Fargo Advisors under the Fair Labor Standards Act ("FLSA") and the laws of California, Florida, Illinois, and New York (the "State Law Claims") on behalf of Financial Advisor Trainees. Appellees are members of the *Williams* putative class and collective.

In this Action, Appellees are also seeking to assert wage and hour class claims on behalf of Financial Advisor Trainees under the FLSA and the laws of California and New York. The claims they are asserting against Appellants are encompassed by the *Williams* action, and the class of individuals they are seeking to represent in their underlying actions is the same class covered by the *Williams* matter.

On August 24, 2017, the District Court in *Williams* entered an Order preliminarily approving of the parties' Settlement Agreement (the "Agreement"). *Williams*, No. 14-cv-1981 (N.D. Ill.), Dkt. 94. The settlement effectively renders the issue presented to the Second Circuit moot.

Pursuant to the District Court's preliminary approval of the *Williams* Agreement, class members with timely FLSA claims will receive a settlement check. Upon cashing such check, they will release their claims under the FLSA and state and local laws, rendering moot their claims asserted here. Further, the individuals who are also members of the State Law classes are permitted to opt out of the State Law class within 45 days after the mailing of claim forms to class members. If they do not opt out, they are releasing any State Law claims they may have.

Appellees stated to both the Second Circuit (at oral argument) and to the *Williams* District Court (in the memorandum in support of their motion for Rule 24 intervention) that they do not intend to opt-out. Rather, they stated that they intend to remain in the class and express objections to certain aspects of the Agreement. *Williams,* No. 14-cv-1981 (N.D. Ill.), Dkt. 69 p. 6.

If Appellees proceed as indicated and choose not to opt out of the settlement, the District Court's final approval of the Agreement will render their overlapping State Law Claims moot. Similarly, if and when Appellees cash their settlement checks, their FLSA claims asserted in this Action will be moot.

Please let us know if you have any questions or would like additional information.

Sincerely,

/s/ Kenneth J. Turnbull

Kenneth J. Turnbull

c: Paolo Chaga Meireles
Paul W. Mollica
Olivia J. Quinto-Reyes
Justin M. Swartz